

AN ORDINANCE

**97473**

**AUTHORIZING THE EXECUTION OF A TWO (2) YEAR LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND DAVID T. MASON D/B/A DANTE'S PIZZA, AS "TENANT", FOR THE USE OF 1,965 SQUARE FEET OF RETAIL/OFFICE SPACE AND TWO ASSIGNED PARKING SPACES IN THE RIVERBEND PARKING GARAGE, LOCATED AT THE INTERSECTION OF EAST COMMERCE STREET AND SOUTH PRESA STREET (410 E. COMMERCE ST.), AT A MONTHLY BASE RENTAL AMOUNT OF \$2,652.75, OR \$31,833.00 ANNUALLY, FOR BOTH YEARS, PLUS COMMON AREA MAINTENANCE (C.A.M.) CHARGES OF TEN CENTS (10¢) PER SQUARE FOOT PER MONTH FOR A TOTAL ADDITIONAL CHARGE OF \$196.50 MONTHLY FOR BOTH YEARS, AND TENANT'S BILLED PORTION OF CHILLED WATER IN THE AMOUNT OF FIVE CENTS (5¢) PER SQUARE FOOT PER MONTH FOR A TOTAL ADDITIONAL CHARGE OF \$98.25 MONTHLY, WITH AN OPTION TO EXTEND THIS LEASE FOR TWO ADDITIONAL SUCCESSIVE THREE YEAR TERMS, EACH SUBJECT TO APPROVAL IN EACH INSTANCE BY PASSAGE OF A FUTURE ORDINANCE.**

**WHEREAS**, David T. Mason, d/b/a Dante's Pizza, as Tenant, wishes to enter into a two year lease agreement for the use of 1,965 square feet of retail/office space and two assigned parking spaces in the Riverbend Parking Garage located at the intersection of E. Commerce Street and S. Presa Street for a monthly rent of \$2,652.75 plus a Common Area Maintenance charges of 10¢ per square foot per month (\$196.50) for both years and Tenant's billed portion of chilled water in the amount of 5¢ per square foot per month (\$98.25), with an option to extend said lease for two additional successive three year term, subject to Council approval; and

**WHEREAS**, Tenant has agreed to comply with a provision that would terminate the Lease immediately should a change in employment status occur which might constitute a conflict of interest; and

**WHEREAS**, The lease revenue fund will assist in maintaining the Parking Fund and bring the occupancy rate to 100% at the Riverbend Parking Garage; **NOW THEREFORE**;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** A Lease Agreement is hereby authorized and approved between the **City of San Antonio and David T. Mason d/b/a Dante's Pizza**, ("Tenant") to use 1965 square feet of retail/office space and two assigned parking spaces in the Riverbend Parking Garage located at the intersection of E. Commerce Street and S. Presa Street for a monthly rent of

\$2,652.75 plus a Common Area Maintenance charges of 10¢ per square foot per month (\$196.50) for both years and Tenant's billed portion of chilled water in the amount of 5¢ per square foot per month (\$98.25), with an option to extend said lease for two additional successive three year term, subject to Council approval.

**SECTION 2.** The City Manager or City Manager's designee is hereby authorized to execute a Lease Agreement, a copy of which, signed by Tenant, is attached hereto as **Exhibit "A"**.

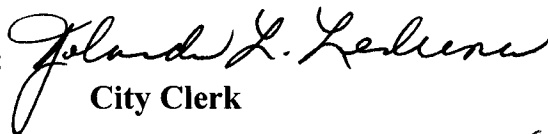
**SECTION 3.** The proceeds from this Lease Agreement shall be deposited into Fund 53-004 entitled "Parking Revenue Fund", Index Code 080887, entitled "Dante's Pizza - Riverbend Garage".

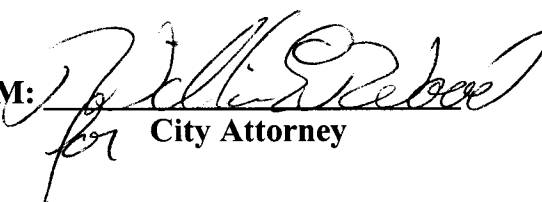
**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This ordinance shall take effect on the 27th day of April 2003.

**PASSED AND APPROVED** this 17th day of April, 2003.

  
M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney